

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT
2004 SEP 10 P 2:24

UNITED STATES OF AMERICA)
)
 v.) NO. 04-40012-FDS
)
 CARLOS CABRAL,)
 a/k/a "Victor Matos,")
 a/k/a "Carlos Estevez,")

U.S. DISTRICT COURT
DISTRICT OF MASS

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by Assistant U.S. Attorney Paul G. Casey, and the defendant Carlos Cabral, by counsel Elliot M. Weinstein, Esq., jointly submit this memorandum addressing the issues in Local Rule 116.5. The parties do not believe that a status conference, scheduled for September 10, 2004, is necessary.

Status

The government has provided the defendant with discovery and the parties continue to exchange discovery. The defendant requests additional time to review the discovery and determine whether to file pretrial motions. Additionally, the parties continue to explore a non-trial disposition of the case and request a continuance to conduct plea negotiations. The parties request that the period from September 10, 2004, to the next status conference be excluded because the parties are exchanging discovery, the defendant is deciding whether to file pretrial motions, and the parties are seeking a non-trial disposition

which serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(1) (F) and (h)(8)(A).

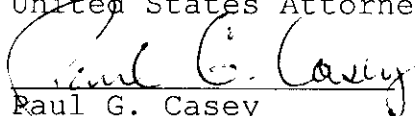
Local Rule 116.5(A)(7)

If the case is tried, however, the parties anticipate that the trial will last approximately one week. The parties respectfully request that a further status conference be set on or after October 26, 2004.

Respectfully submitted,

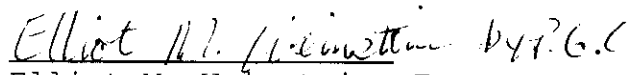
MICHAEL J. SULLIVAN
United States Attorney

By:


Paul G. Casey
Assistant U.S. Attorney

CARLOS CABRAL
Defendant


By:


Elliot M. Weinstein, Esq.
Counsel for Carlos Cabral

DATE: September 10, 2004

CERTIFICATE OF SERVICE

I, Paul G. Casey, Assistant U.S. Attorney, hereby certify that a copy of the foregoing document was mailed to the below named counsel on this, the 10th day of September, 2004.



PAUL G. CASEY
Assistant U.S. Attorney

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